



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/562,912

12/07/2006

Kenji Yamaguchi

050827

3804

23850 7590 05/27/2008
KRATZ, QUINTOS & HANSON, LLP
1420 K Street, N.W.
Suite 400
WASHINGTON, DC 20005

EXAMINER

ZAIDI, SYED

ART UNIT

PAPER NUMBER

2616

MAIL DATE

DELIVERY MODE

05/27/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/562,912	Applicant(s) YAMAGUCHI, KENJI	
	Examiner SYED ZAIDI	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/30/2005, 09/11/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly

owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1- 11 are rejected under 35 U.S.C. 103(a) as being unpatentable by, **Fukuda Yuichi.**, (Japan Publication 11-282775) in view of **Christmas** (U.S.Patent 6,085,084).

Consider claim 1, Fukuda Yuichi, clearly discloses a terminal device for transmitting and receiving mails, comprising **(Fukuda Yuichi, discloses a wireless communication, Paragraphs 0041 lines 1-21, a Tx and Rx, a controller & a user interface and Memory, program configuration, in a terminal device):** a mail receiving unit **(Paragraph 0034, lines 1-19)**; a judging unit operable to judge whether a command declaration is included in a received mail **(Fukuda Yuichi, discloses a program element, is configured with element, with memory, Paragraph 0036, 0037, lines 1-3)**; a command interpreting unit operable

to extract and interpret a specific command following the command declaration if the judgment of the judging unit is affirmative (**Fukuda Yuichi, discloses a command for wireless communication device and is comprised of a (judging unit) which is a processor coupled to a transceiver, typically wire line transceiver including both a receiver and transmitter suitable for sending and receiving message**

Paragraphs 0007, 0011, 0013 and 0014); a creating unit operable to create data (**Paragraph 0036, lines 10-132**), if the specific command is interpreted as target address creation, an address of corresponding targets in memory of the terminal device (**see paragraph 41**). Fukuda Yuichi discloses mail transmitting unit operable to created address as a mail main body and addressed to a requestor (**see paragraph 37**).

However **Fukuda Yuichi**, fails to disclose creating a list.

In the same field of endeavor **Christmas**, clearly disclose each mail transmitting unit operable to created list as a mail main body and addressed to a requestor (**column 16 lines 62-64, figures # 4**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Fukuda Yuichi, and incorporate a mail transmitting unit operable to created

list as taught by **Christmas**, with the IP network disclosed by **Christmas**.
for the purpose of automated validation of a list by the Initiator and
improving mail performance in a wireless network as discussed by
Christmas (column 1 lines 8-10, column 5 lines 16-17).

Consider claim 2, as applied to claim **1, Fukuda Yuichi.**, as
modified by **Chritmas**. clearly show and discloses device, further
comprising (**Fukuda Yuichi, discloses a wireless communication
device, Paragraph 0041, lines 1-21**): a comparing unit operable to detect,
if a password accompanies the command declaration and the judgment of
the judging unit is affirmative (**Paragraph 0007, lines 1-12**), the password,
and compare the password with a password owned by the terminal device
(**Fukuda Yuichi, discloses a command for wireless communication
device Paragraph 0011, lines 1-8**); and an authorizing unit operable to
authorize the extraction and interpretation of the specific command if the
passwords match each other.

Consider claim 3, as applied to claim **1, Fukuda Yuichi.**, as
modified by **Christmas**. clearly show and discloses device, wherein
the command declaration is a unique character string different
from a mail text (**Fukuda Yuichi, discloses a E-Mail for wireless**

communication device Paragraph 0016, lines 1-28), and the specific command is a line of code including a storage location of the targets (**Paragraph 0040, lines 1-22**) a type of the targets, and a process to be performed (**Paragraph 0040, lines 10-20**).

Consider claim 4, as applied to claim **1, Fukuda Yuichi.**, as modified by **Christmas.** clearly show and discloses device, wherein the targets are received mails, transmitted mails (**Paragraph 0041, lines 1-22**) schedules of events, images, telephone numbers, received voice calls, or transmitted voice calls (**Paragraph 0045, lines 10-20**).

Consider claim 5, as applied to claim **1, Fukuda Yuichi.**, as modified by **Christmas.** clearly show and discloses device wherein, if a specific command transmitted by the requestor after the requestor checks the list of the mail is a request of transmitting a specific item in the list, the specific item is read from the memory (**Paragraph 0011, lines 1-8**).

However **Fukuda Yuichi**, fails to disclose each mail transmitting unit operable to created list as a mail main body and addressed to a requestor.

In the same field of endeavor **Christmas.** clearly disclose each mail transmitting unit operable to created list as a mail main body and addressed to a requestor (**column 16 lines 62-64, figures # 4**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate to disclose discloses each mail transmitting unit operable to created list as a mail main body and addressed to a requestor as taught by **Christmas**. with the IP network disclosed by **Christmas**. for the purpose of automated validation of a list by the Initiator and improving mail performance in a wireless network as discussed by **Christmas (column 1 lines 8-10, column 5 lines 16-17)**.

Consider claim 6, as applied to claim **1, Fukuda Yuichi.**, as modified by **Christmas**. clearly shows and discloses device wherein if a specific command transmitted by the requestor after the requestor checks the list of the mail is a request of deleting a specific item in the list, the specific item is deleted from the memory (**Paragraph 0016, lines 5-28**).

Consider claim 7, as applied to claim **1, Fukuda Yuichi.**, as modified by **Christmas**. clearly shows and discloses device wherein a mail having a main body which indicates completion of the deletion and addressed to the requestor is created and transmitted (**Fukuda Yuichi, discloses, addition, change, deletion or reference in Paragraph 0044, lines 1-10**).

Consider claim 8, as applied to claim **1, Fukuda Yuichi.**, as modified by **Christmas.** clearly shows and discloses device wherein if the targets are received mails (**Paragraph 0045, lines 1-12**), at least a sender, a received date, and a subject are displayed in the list (**Paragraph 0045, lines 16-22**), with respect to each of the received mails (**Paragraph 0045, lines 1-22**).

Consider claim 9, as applied to claim **1, Fukuda Yuichi.**, as modified by **Christmas.** clearly show and discloses device wherein if the targets are schedules of events, a date, a time (**Paragraph 0045, lines 16-22**). However **Fukuda Yuichi**, fails to indicating a type of an event are displayed in the list, with 5 respect to each of the schedules of events.

In the same field of endeavor **Christmas.** clearly indicating a type of an event are displayed in the list, with 5 respect to each of the schedules of events (**column 7 lines 48-62**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate to disclose clearly indicating a type of an event are displayed in the list, with 5 respect to each of the schedules of events as taught by **Christmas.** with the IP network disclosed by **Christmas.** for the purpose of automated validation of a list by

the Initiator and improving mail performance in a wireless network as discussed by **Christmas (column 1 lines 8-10, column 5 lines 16-17).**

Consider claim 10, as applied to claim 1, **Fukuda Yuichi.**, as modified by **Christmas**. clearly show and discloses device wherein if the targets are images, a shooting date, a title, an address in which an image is stored are displayed in the list, with respect to each of the images (**Fukuda Yuichi, discloses a wireless communication, Paragraphs 0041 lines 1-21, a Tx and Rx, a controller & a user interface and Memory, program configuration, in a terminal device).**

Consider claim 11, as applied to claim 1, **Fukuda Yuichi.**, as modified by **Christmas**. clearly show and discloses device wherein the terminal device, being a mobile phone (**Fukuda Yuichi, discloses a wireless communication, Paragraphs 0040 lines 1-22, a Tx and Rx, a controller & a user interface and Memory, program configuration, e-mail, images are in a terminal device is a mobile phoe).**

Conclusion

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window

Randolph Building

401 Dulany Street

Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to **Syed Zaidi**

whose telephone number is (571) 270-1779. The Examiner can normally be reached on Monday-Thursday from 6:30am to 5:00pm.

If attempts to reach the Examiner by telephone are Unsuccessful, the Examiner's supervisor, **Nick Corsaro** can be reached on (571) 272-7876.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private

PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 571-272-4100.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/ customer service whose telephone number is (571) 272-2600.

Syed Zaidi

S.Z/s.z

May 22nd, 2008.

/Nick Corsaro/

Supervisory Patent Examiner, Art Unit 2617